

## TENTH DAY

(Monday, January 23, 1933)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following Members were present:

Mr. Speaker.	Hill of Brazoria.
Adamson.	Hill of Webb.
Aikin.	Hodges.
Alexander.	Holekamp.
Alsup.	Holland.
Anderson	Holloway.
of Bexar.	Hoskins.
Anderson	Huddleston.
of Johnson.	Hughes.
Baker.	Hunt.
Barrett.	Hyder.
Barron.	James.
Beck.	Jefferson.
Bedford.	Johnson
Bourne.	of Anderson.
Bradley.	Johnson
Burns.	of Dimmit.
Butler.	Jones of Atascosa.
Calvert.	Jones of Runnels.
Camp.	Jones of Shelby.
Canon.	Kayton.
Cathey.	Kyle of Hays.
Caven.	Kyle of Palo Pinto.
Chastain.	Laird.
Clayton.	Latham.
Colson.	Lemens.
Coombes.	Leonard.
Cowley.	Lindsey.
Crossley.	Long.
Daniel.	Lotief.
Davidson.	Magee.
Dean.	Mackay.
Devall.	Mathis.
Dunlap.	McClain.
Dunagan.	McCullough.
Duvall.	McDougald.
Dwyer.	McGregor.
Engelhard.	McKee.
Fain.	Merritt.
Few.	Metcalfe.
Fisher.	Mitcham.
Ford.	Moore.
Fuchs.	Morrison.
Glass.	Morse.
Golson.	Munson.
Good.	Nicholson.
Graves.	Palmer.
Greathouse.	Parkhouse.
Griffith.	Patterson.
Haag.	Pavlica.
Hankamer.	Pope.
Harman.	Puryear.
Harris.	Ramsey.
Harrison.	Ratliff.
Hartzog.	Ray.
Head.	Reader.
Hicks.	Reed of Bowie.

Reed of Dallas.	Stinson.
Renfro.	Stovall.
Riddle.	Sullivant.
Roberts.	Tarwater.
Rogers of Hunt.	Tennyson.
Rogers	Thomas.
of Ochiltree.	Tillery.
Rollins.	Townsend.
Ross.	Turlington.
Russell.	Van Zandt.
Savage.	Vaughan.
Scarborough.	Wagstaff.
Scott.	Walker.
Shannon.	Weinert.
Shults.	Wells.
Smith.	Winningham.
Stanfield.	Wood.
Steward.	Young.

## Absent—Excused

Goodman.	Moffett.
Hester.	West.
Jackson.	

A quorum was announced present.

Prayer was offered by Rev. Geo. W. Coltrin, Chaplain.

## LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Goodman for today, on motion of Mr. Stovall.

Mr. West for today and tomorrow, on motion of Mr. Morse.

Mr. Dean for today, on motion of Mr. Ratliff.

Mr. Jackson for today, on motion of Mr. Merritt.

Mr. Moffett for today, on motion of Mr. Alexander.

Mr. Hester was granted leave of absence for today on account of illness, on motion of Mr. Graves.

## HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Alsup, Mr. Kayton, Mr. Townsend, Mr. Hicks, Mr. Fisher, Mr. Thomas, Mr. Calvert, and Mr. Young:

H. B. No. 148, A bill to be entitled "An Act declaring it unlawful to take any game bird or game animal at any time other than during the open season; prohibiting the taking or possession of any game bird or game animal

in excess of the bag limit; defining open seasons and bag limits; providing a suitable penalty; repealing all laws in conflict with this Act; defining game birds and game animals; etc."

Referred to Committee on Game and Fisheries.

By Mr. Stinson:

H. B. No. 149, A bill to be entitled "An Act to amend Article 2124, Chapter 7, Title 42, of the Revised Civil Statutes of 1925; and prescribing the fees that shall be paid by the party applying for a jury trial in the district or county court, and providing when and how such fees shall be paid."

Referred to Committee on Judiciary.

By Mr. Morrison, Mr. Chastain, Mr. Alexander, Mr. Hoskins, Mr. Hodges, Mr. Barrett, Mr. Hankamer, and Mr. Hicks:

H. B. No. 150, A bill to be entitled "An Act to amend Article 2218, Title 41, Chapter 9, of the Revised Civil Statutes, 1925, providing that in a foreclosure, if the property be real property, and if the proceeds of such sale be insufficient to satisfy the mortgage and other liens, then no judgment shall issue, as a deficiency judgment against any other property of the defendant to satisfy any balance thereof remaining unpaid; and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Anderson of Bexar:

H. B. No. 151, A bill to be entitled "An Act to amend Article 4727 of the Revised Civil Statutes of Texas, prohibiting directors and officers of insurance companies transacting business in this State from being interested in investments and loans made by the company, etc., and declaring an emergency."

Referred to Committee on Insurance.

By Mr. McKee:

H. B. No. 152, A bill to be entitled "An Act to permit the following persons, their heirs or assigns, to sue the State of Texas in the District Court of Travis County, Texas, to wit: S. G. Burnett, Bertha D. Paggi, Charles Paggi, for themselves and as executors of the will of Ed Paggi, deceased; Burt Morrison, independent executor of the estate of C. T. Heisig, de-

ceased; Hal G. Land, J. Rosenthal, B. A. Steinhagen, H. A. Perlstein, Ida L. Keith, for herself and as independent executrix of the will of John L. Keith, deceased, providing that said suit may be filed within two years from the effective date of this Act, and that the State may be served by service upon the Attorney General of the State of Texas, etc., and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Reed of Dallas, Mr. Savage, and Mr. Kyle of Palo Pinto:

H. B. No. 153, A bill to be entitled "An Act amending Article 4442, Revised Statutes, 1925, of the State of Texas, by adding to said Article, Section No. 5, so as to provide that when a keeper, manager, or owner of an institution defined in said article shall operate same without a license or sell or traffic in babies or permit the use of said institution for purposes other than provided in their license, they may be enjoined in a suit filed by the Attorney General, district or county attorney, or any citizen; and creating an emergency."

Referred to Committee on Public Health.

By Mr. Daniel:

H. B. No. 154, A bill to be entitled "An Act amending Article 7071, Title 122, Chapter 2, Revised Civil Statutes of 1925, and providing for the levying of an occupation tax on petroleum oil, mineral oil, or other oils that are taken from the earth, providing the date of payment of same, and providing manner and time of reporting same to the Treasury of this State, and providing for inspection of records kept by persons engaged in such business; etc., and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Pope:

H. B. No. 155, A bill to be entitled "An Act prescribing the oath or affirmation to be taken and subscribed to by each professor, instructor, or teacher in public schools, colleges, and universities of this State, and declaring an emergency."

Referred to Committee on Education.

By Mr. Pope:

H. B. No. 156, A bill to be entitled "An Act for the designation, survey, construction, opening, and maintenance of a State Highway from Chapman Ranch to Rio Grande, Texas, via Kingsville, Premont, and Falfurrias; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Pope:

H. B. No. 157, A bill to be entitled "An Act for the designation, survey, construction, opening, and maintenance of a State highway from the point of intersection of Highway No. 128 with the Corpus Christi-Bluntzer Public Road in Nueces County, Texas, to Sonora, Texas, via Orange Grove, Dilley, Batesville, Uvalde, and Rock-springs; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Pope:

H. B. No. 158, A bill to be entitled "An Act for the designation, survey, construction, opening, and maintenance of a State highway from Gregory, Texas, to Elgin, Texas, via Refuge, Goliad, Yorktown, Westoff, Gonzales, Waelder, and Bastrop; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Burns, Mr. Daniel, and Mr. Lotief:

H. B. No. 159, A bill to be entitled "An Act for the purpose of conserving petroleum, one of the natural resources produced in this State, by providing that every person, firm, partnership, corporation, association, or any receiver thereof shall pay to the State a graduated production tax on the daily production of each petroleum well in this State; that there shall be placed equipment to measure the petroleum coming from the same; etc., and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. West:

H. B. No. 160, A bill to be entitled "An Act to create and provide for compensation and duties of assistant district attorneys in judicial districts composed of five or more counties and containing a population in excess of 150,000, according to the preceding Federal Census, providing for their appointments, qualifications, duties, terms of office, and removal; and declaring an emergency."

Referred to Committee on Judicial Districts.

By Mr. Griffith:

H. B. No. 161, A bill to be entitled "An Act amending Article 904, of the Penal Code of the 1925 Revised Criminal Statutes of Texas, and declaring an emergency." (Relating to license for hunting with gun.)

Referred to Committee on Game and Fisheries.

By Mr. Griffith:

H. B. No. 162, A bill to be entitled "An Act providing that the governing body of any incorporated town or city in this State, containing a population in excess of 5,000 inhabitants, shall be authorized to levy a tax of two mills for each \$1 of taxable property within such city or town for the purpose of raising funds for the poor or the Community Chest; providing for the method of distribution of said funds, and declaring an emergency."

Referred to Committee on Municipal and Private Corporations.

By Mr. Anderson of Bexar:

H. B. No. 163, A bill to be entitled "An Act amending Article 4682, of the Revised Civil Statutes, by adding thereto Subsection 21, authorizing the Board of Insurance Commissioners to exercise such incidental and implied powers and duties as may be necessary to carry out the purposes and intent of the insurance laws of this State; and, by adding thereto, Subsection 22, authorizing the Board of Insurance Commissioners to prescribe rules and regulations for carrying out the purposes and intent of the insurance laws of this State; and declaring an emergency."

Referred to Committee on Insurance.

By Mr. Anderson of Bexar:

H. B. No. 164, A bill to be entitled "An Act requiring every life insurance company organized under this State to file with the county tax assessor where the company's home office is located, a sworn statement showing the number and amount of the shares of said company, and other information; etc., and declaring an emergency."

Referred to Committee on Insurance.

By Mr. Anderson of Bexar:

H. B. No. 165, A bill to be entitled "An Act amending Article 4754, of the Revised Civil Statutes, providing for the taxation of property owned by life insurance companies organized under this State, and declaring an emergency."

Referred to Committee on Insurance.

By Mr. Harman:

H. B. No. 166, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employes of certain educational institutions and other expenses of maintaining and conducting them as follows, etc., and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Harman:

H. B. No. 167, A bill to be entitled "An Act making appropriations for the support and maintenance of the State Government for the two-year period, beginning September 1, 1933, and ending August 31, 1935, and for the purposes, and prescribing certain regulations and restrictions in respect thereto, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Harman:

H. B. No. 168, A bill to be entitled "An Act making appropriations to pay salaries to judges, and the support and maintenance of the Judicial Department of the State Government for the two-year period beginning September 1, 1933, and ending August 31, 1935; and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Harman:

H. B. No. 169, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employes of certain eleemosynary institutions of the State and other expenses of maintaining and conducting them for the two fiscal years, September 1, 1933, to August 31, 1935, inclusive, etc., and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Magee:

H. B. No. 170, A bill to be entitled "An Act making it a violation of the law for any school official or school teachers to act as agent for any publishing company or dealers in school books or other school supplies and fixing the penalty."

Referred to Committee on Education.

By Mr. Harman:

H. B. No. 171, A bill to be entitled "An Act providing that the salaries of district judges, judges of the Courts of Civil Appeals, judges of the Courts of Criminal Appeals, judges of the Supreme Court, judges of the Commissions of Appeals of both the Supreme Court and Court of Criminal Appeals, all other State officers, except the Attorney General and those whose salaries are fixed absolutely, etc., be such sum or amounts as may be provided by the Legislature in the general appropriation bills; repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Griffith:

H. B. No. 172, A bill to be entitled "An Act providing that if any person shall charge, receive, or collect interest in excess of the legal rate of ten per cent (10%) as provided for in Title 79 of the 1925 Revised Civil Statutes of Texas, he shall, upon conviction, be deemed guilty of a felony, and shall be confined in the penitentiary for not more than two years, etc., and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Griffith:

H. B. No. 173, A bill to be entitled "An Act providing that any single, unmarried person, whose parents are

deceased, or divorced, shall be entitled to the same homestead exemption as is provided for by Sections 50 and 51 of Article XVI of the Texas Constitution, and Article 3833 of the 1925 Revised Civil Statutes, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Tennyson and Mr. Good: .

H. B. No. 174, A bill to be entitled "An Act amending Chapter 273, page 411, Section 1, Acts of the Fortieth Legislature, 1927, Regular Session, relating to salaries of judges of the Supreme Court, judges of the Court of Criminal Appeals, judges of the Commission of Appeals, judges of the Commission in Aid of the Judges of the Court of Criminal Appeals, judges of the district and/or criminal district courts; and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Holland:

H. B. No. 175, A bill to be entitled "An Act to authorize the creation of corporations in this State under the general corporation laws for the purpose of forming and operating a general detective agency or company to do a general detective business, to employ and furnish persons to make investigations and reports, and to furnish guards or watchmen to protect industrial plants, business institutions and residential property; and declaring an emergency."

Referred to Committee on Municipal and Private Corporations.

By Mr. Metcalfe, Mr. Haag, Mr. Thomas, Mr. Clayton, Mr. Townsend, and Mr. Hankamer:

H. B. No. 176, A bill to be entitled "An Act making an appropriation to reimburse persons, firms and corporations for losses sustained during the years of 1929 through 1932 by reason of the establishment by the State of Texas of regulated and restricted zones in certain areas of the State requiring such persons, firms and corporations to pay money for the sterilization of seed and the fumigation of cotton, etc., and declaring an emergency."

Referred to Committee on Claims and Accounts.

By Mr. Tillery:

H. B. No. 177, A bill to be entitled "An Act regulating the use of seines and nets in Nacogdoches County; pro-

viding that three-inch mesh seines and nets may be used during certain months; providing a penalty for violations of this Act, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Cathey, Mr. Barrett, Mr. Metcalfe, and Mr. Merritt:

H. B. No. 178, A bill to be entitled "An Act extending the time of all loans, or supposed loans, on homesteads, and to prevent foreclosure of same, etc."

Referred to Committee on Judiciary.

By Mr. Lindsey:

H. B. No. 179, A bill to be entitled "An Act to provide for liens in favor of hospitals and other institutions furnishing care, treatment and maintenance of persons injured in accidents, upon the rights of action, claims and demands of such injured persons against other persons or corporations for damages on account of negligence causing the injuries, etc."

Referred to Committee on Judiciary.

By Mr. Hankamer, Mr. Parkhouse, Mr. Clayton, and Mr. Jackson:

H. B. No. 180, A bill to be entitled "An Act creating the office of county purchasing agent in all counties in this State having a population of more than 100,000 inhabitants and less than 150,000 inhabitants, according to the last preceding Federal Census, and wherein is situated an incorporated city of more than 100,000 inhabitants, according to the last preceding Federal Census, providing for the appointment of such agent, etc., and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Kyle of Palo Pinto and Mr. Reed of Dallas:

H. B. No. 181, A bill to be entitled "An Act relating to the installation, operation, and use of short wave radio receiving sets in motor vehicles, prohibiting the installation and use thereof without a permit, except by bona fide peace officers; prescribing the penalty, and declaring emergency."

Referred to Committee on State Affairs.

By Mr. Bedford:

H. B. No. 182, A bill to be entitled "An Act to amend Article 6834 and

Article 6835, Title 118, of the Revised Civil Statutes of the State of Texas of 1925, by striking out the phrase of "two-thirds of the taxpayers" wherever the same appears therein and inserting in lieu thereof the clause, "two-thirds majority of the resident property taxpayers voting thereon, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Jefferson and Mr. Kyle of Palo Pinto (by request):

H. B. No. 183, A bill to be entitled "An Act to regulate the occupation and practice of cosmetology; to create a State Board of Cosmetologists for the licensing of persons, firms, co-partnerships, associations or corporations to carry on and or to teach such practice, to insure the better education of such practitioners, etc."

Referred to Committee on Public Health.

#### BILL ORDERED NOT PRINTED

On motion of Van Zandt, House Bill No. 68 was ordered not printed.

#### CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 1

Mr. Morse, Chairman, submitted the following conference committee report on Senate Bill No. 1:

Committee Room,  
Austin, Texas, January 23, 1933.

Hon. Edgar E. Witt, President of the Senate, and Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your conference committee, appointed to adjust the differences between the Senate and the House on

S. B. No. 1, A bill to be entitled "An Act providing for the ordering of special elections to fill public offices and for fixing the time for the holding thereof; providing that special elections shall be ordered to fill vacancies in certain public offices; providing that special elections be ordered to elect a person to fill the unexpired term and a person to fill the succeeding term in certain offices where the incumbent is re-elected and thereafter dies, resigns, or where for any other reason a vacancy occurs in the unexpired term,

and no person is legally entitled to fill the term to which the former officer was elected to succeed himself, etc., and declaring an emergency,"

Have had the same under consideration, and we wish to report it back to you with the recommendation that it do not pass, but that the following conference committee substitute do pass in lieu thereof:

"S. B. No. 1,

#### A BILL

#### To Be Entitled

An Act providing for the ordering of special elections to fill public offices and for fixing the time for the holding thereof; providing that special elections shall be ordered to fill vacancies in certain public offices; providing that special elections be ordered to elect a person to fill the unexpired term and a person to fill the succeeding term in certain offices where the incumbent is re-elected and thereafter dies, resigns, or where for any other reason a vacancy occurs in the unexpired term, and no person is legally entitled to fill the term to which the former officer was elected to succeed himself; providing that an election shall be ordered upon acceptance of resignation of the incumbent of certain offices where he tenders a resignation effective at a future date, to select a successor to the incumbent for the unexpired term; providing that where the officer-elect of certain offices dies before qualifying or becomes ineligible to qualify for the office to which he was elected, an election to select a successor to the incumbent shall immediately be ordered; designating the Governor as the proper officer to receive and accept resignations of public officers where no other officer is authorized to receive same; providing for the furnishing by tax collectors within a certain specified time of certified lists of citizens in each precinct who have paid their poll taxes or have received their certificates of exemption; repealing Article 2952, Revised Civil Statutes of 1925; validating elections heretofore held or orders of election heretofore made where same would have been authorized under this Act; providing that if any section, paragraph, or provi-

sion hereof be held unconstitutional or invalid the remaining portions of this Act shall not be affected but shall remain in force and effect; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. Where special elections are authorized by this Act, the officer authorized by law to order elections shall make such order, fixing the time of the election not less than twenty nor more than ninety days after the first public notice of such order.

Sec. 2. Where vacancies which are to be filled by election occur in a civil office, an election shall immediately be ordered to fill the unexpired term.

Sec. 3. Where an officer, holding an office the vacancy of which is to be filled by election, is re-elected to a term of office succeeding that of which he is the incumbent, and where, after the re-election of said officer, by reason of the death or resignation of the officer or otherwise, there is no person legally entitled to fill the office for the unexpired term or to fill the office for the succeeding term to which the former officer was elected to succeed himself, an election shall be immediately ordered to elect a person to fill the unexpired term in said office and to elect a person to fill the term of office succeeding the unexpired term.

Sec. 4. When the incumbent of an office, the vacancy of which is to be filled by election, tenders to the officer authorized by law to receive same, a written resignation effective at a future date, an election shall be ordered immediately after acceptance of the resignation to elect a successor to the incumbent to fill the term of office unexpired from and after the effective date of the resignation.

Sec. 5. When an officer elected to an office, a vacancy in which must be filled by election, tenders to the officer authorized by law to receive the resignation of an incumbent of the office to which said officer-elect was elected, a declaration in writing of his intention not to qualify for the office to which he was elected, an election shall be ordered immediately upon receipt of said written declaration to elect a successor to the incumbent of the office.

Sec. 6. When the officer-elect to an office, which must be filled by election, dies or becomes ineligible to qualify for the office to which he was elected, the proper officer shall immediately order an election to elect a successor to the incumbent of the office.

Sec. 7. Where no officer is otherwise authorized by law to receive and accept the resignation of an officer, the Governor is hereby designated as the officer to do so, and he is hereby empowered and authorized to receive and accept the resignation of all such officers.

Sec. 8. Whenever a special election or special primary, as herein provided or otherwise provided by law, shall be called between February 1 and April 1, the tax collectors of the counties in which such election or primary is to be held, shall make up and deliver to the board charged with the duty of furnishing election supplies, separate certified lists of the citizens in each precinct who have paid their poll tax or have received their certificates of exemption in the form now provided by law, on or before February 20.

Sec. 9. Article 2952, Revised Civil Statutes, 1925, is hereby expressly repealed.

Sec. 10. All elections heretofore held or orders of elections heretofore made, are hereby validated where same would have been authorized under the provisions of this Act.

Sec. 11. If any section, paragraph, or provision of this Act be held or declared unconstitutional or invalid for any reason, such holding shall not in any manner affect the remaining sections, paragraphs, or provisions of this Act, but the same shall remain in full force and effect.

Sec. 12. The fact that existing laws do not adequately provide for the continuous representation of the people of this State, and in view of the fact that there are now existent situations whereby the people of this State will soon be deprived of the representation to which they are entitled unless existing laws are changed, create an emergency and an imperative public necessity requiring that the constitutional rule that bills be read on three several days in each House be, and

the same is hereby, suspended, and this Act shall take effect and be in force from the date of its passage, and it is so enacted.

Respectfully submitted,

WOODUL,  
MARTIN,  
PARR,  
BLACKERT,  
MOORE,

On the part of the Senate;

MORSE,  
WALKER,  
SHULTS,  
WELLS,  
WEST,

On the part of the House.

On motion of Mr. Morse, the report was adopted by the following vote:

Yeas—117

Mr. Speaker.	Hartzog.
Adamson.	Head.
Aikin.	Hicks.
Alexander.	Hill of Brazoria.
Alsop.	Hill of Webb.
Anderson	Hodges.
of Bexar.	Holekamp.
Anderson	Holland.
of Johnson.	Hoskins.
Baker.	Hughes.
Barrett.	Hunt.
Barron.	James.
Beck.	Johnson
Bourne.	of Anderson.
Bradley.	Johnson
Burns.	of Dimmit.
Butler.	Jones of Atascosa.
Calvert.	Jones of Runnels.
Canon.	Kayton.
Cathey.	Kyle of Hays.
Caven.	Kyle of Palo Pinto.
Chastain.	Laird.
Clayton.	Latham.
Cowley.	Lemens.
Crossley.	Long.
Daniel.	Lotief.
Davidson.	Magee.
Dean.	Mackay.
Devall.	McClain.
Dunagan.	McCullough.
Engelhard.	McDougald.
Fain.	McKee.
Fisher.	Merritt.
Ford.	Metcalf.
Good.	Mitcham.
Graves.	Moore.
Greathouse.	Morrison.
Griffith.	Morse.
Hankamer.	Munson.
Harman.	Palmer.
Harris.	Parkhouse.

Patterson.	Shults.
Pavlica.	Smith.
Pope.	Stanfield.
Puryear.	Steward.
Ramsey.	Stinson.
Ratliff.	Stovall.
Ray.	Sullivant.
Reader.	Tarwater.
Reed of Bowie.	Tennyson.
Reed of Dallas.	Thomas.
Renfro.	Tillery.
Roberts.	Townsend.
Rogers of Hunt.	Turlington.
Rogers	Van Zandt.
of Ochiltree.	Vaughan.
Rollins.	Walker.
Ross.	Wells.
Savage.	Winningham.
Scarborough.	Wood.
Shannon.	Young.

Nays—2

Glass.	Lindsey.
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Present—Not Voting

Colson.	Haag.
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Absent

Bedford.	Huddleston.
Camp.	Hyder.
Coombes.	Jefferson.
Dunlap.	Jones of Shelby.
Duvall.	Mathis.
Dwyer.	McGregor.
Few.	Nicholson.
Fuchs.	Riddle.
Golson.	Russell.
Harrison.	Scott.
Holloway.	Wagstaff.

Absent—Excused

Goodman.	Moffett.
Hester.	Weinert.
Jackson.	West.
Leonard.	

ADDRESS BY HON. CHARLES W. CHENEY

Mr. Graves offered the following resolution:

Whereas, Charles W. Cheney, a Member of the State Legislature of the State of Michigan, is on the floor of the House; now, therefore, be it

Resolved, That he be presented to the Members of this House and be requested to make them a short address.

The resolution was read second time, and was adopted.

In accordance with the above action, the Speaker announced the ap-



pointment of the following committee to escort Mr. Cheney to the Speaker's stand: Messrs. Graves, McDougald, and Dunagan.

The committee having performed their duty, Speaker Stevenson presented Mr. McDougald, who, in turn, introduced Mr. Cheney.

Mr. Cheney then addressed the House.

#### RELATIVE TO THE ADOPTION OF PERMANENT RULES

Mr. Pope moved that the resolutions heretofore offered, relative to the order of procedure in the House, which were postponed until 10 o'clock a. m., Monday, January 23, be further postponed until 10 o'clock a. m., Tuesday, January 24.

The motion prevailed.

#### RELATIVE TO THE REPORT OF TEMPORARY COMMITTEE ON RULES

On motion of Mr. Van Zandt, by unanimous consent, the House extended the time for the report of the temporary Committee on Rules until 10 o'clock a. m., tomorrow.

#### ADOPTING MASCOT OF THE HOUSE

Mr. Parkhouse offered the following resolution:

Whereas, We have with us today a proper person for the office of mascot of the House of Representatives for the Forty-third Legislature; and

Whereas, The House of Representatives has heretofore selected and elected the Hon. Charles Lee Tennyson, and the Hon. J. N. McCullough, as mascots for the House of Representatives for the Forty-third Legislature; therefore, be it

Resolved, That William Nelson Coombes II, son of our distinguished Member, Z. E. Coombes, of Dallas, be and is hereby officially named by this House as mascot of the House of Representatives for the Forty-third Legislature of the State of Texas; and be it further

Resolved, That said mascot have his picture made and placed with the

Members of the House in the official group of this Body when said official group picture is provided for.

PARKHOUSE,  
STINSON,  
REED of Dallas,  
HUGHES,  
SAVAGE.

The resolution was read second time, and was adopted.

#### RELATIVE TO LEGAL ADVISORS FOR THE HOUSE

Mr. Lotief offered the following resolution:

Whereas, On January 13, the House of Representatives of the Forty-third Legislature passed the following resolution:

"Whereas, New Members of the House of Representatives are inexperienced in preparing and drawing bills; and

Whereas, Many Members have bills that they want prepared in a proper and legal manner; and

Whereas, The Office of Attorney General is busy with legal affairs of the State that must be attended to, and the Department does not have time to adequately serve the Members of the House of Representatives in the preparation of bills; therefore, be it

Resolved, That the House of Representatives employ two competent lawyers to remain in the service of the Members of the House for the purpose of drawing such bills as the Members may request said attorneys to draw; and that they be paid the sum of seven dollars and fifty cents (\$7.50) per day for their services."

Resolved by the House of Representatives of the Forty-third Legislature, That it is the sense of the House that we now dispose of the two attorneys employed by the resolution, and that their pay should continue up to and including the passage of this resolution.

LOTIEF,  
BURNS.

The resolution was read second time.

Mr. Savage moved that the resolution be laid on the table for one week.

Mr. Van Zandt raised a point of order on further consideration of the motion by Mr. Savage, on the ground that the motion is indefinite and is not in conformity with the Rules of the House.

The Speaker sustained the point of order.

Mr. Savage moved that the resolution be postponed until next Monday.

The motion prevailed.

#### RELATIVE TO THE INTERSTATE CONFERENCE OF LEGIS- LATORS

Mr. Metcalfe offered the following resolution.

Whereas, A meeting to be known as the Interstate Conference of Legislators has been called by the American Legislators Association, to be held on Friday and Saturday, February 3 and 4, 1933, in Washington, D. C., at the Shoreham Hotel, to consider problems of conflicting taxation and to consider means for co-operation between the States in dealing with each other and with the Federal Government in respect thereto; and

Whereas, It is apparent that substantial benefits would result to the citizens of all States from a closer contact between the various Legislatures, particularly with respect to problems of taxation, where the inability of the States to deal with the Federal Government in an orderly and co-operative manner has involved heavy burdens upon the taxpayer, the Federal Government, and each State; and

Whereas, The present economic emergency creates an imperative necessity for joint counsel and concerted action; and

Whereas, The House of Representatives of this State is invited to send as its delegates to this Conference one of its Members—to be chosen in such manner as this body may determine; therefore, be it

Resolved, That the House of Representatives of the State of Texas hereby authorizes and instructs the Speaker of the House of Representatives to appoint one Representative as its delegate to the Interstate Conference of Legislators, to be held in Washington, D. C., on February 3 and 4, 1933, and that the Speaker of the House of Representatives be further empowered to designate a successor or alternate in case of the inability of the first-

named delegate to serve; such delegate or alternate shall be without power to commit the House of Representatives to action without specific authority therefor; and be it further

Resolved, That the said delegate or alternate is hereby authorized to draw upon the House Contingent Fund for his reasonable expenses in attendance at the Interstate Conference of Legislators to an amount not exceeding \$132.25, which payment upon his order is hereby authorized; and be it further

Resolved, That the Clerk of the House of Representatives immediately advise the corresponding secretary of the Conference, in care of the American Legislators Association, Drexel Avenue and Fifty-eighth Street, Chicago, Ill., of the appointment of such delegate and alternate.

METCALFE,  
HUGHES,  
TARWATER,  
KAYTON.

The resolution was read second time.

Mr. Kayton moved that the resolution be referred to the Committee on Federal Relations.

Mr. Greathouse raised a point of order on further consideration of the resolution, on the ground that the time for the consideration of resolutions has expired.

The Speaker overruled the point of order.

Question then recurring on the motion by Mr. Kayton, it prevailed.

On motion of Mr. Morse, the House extended the time for the consideration of resolutions.

Mr. Greathouse moved to reconsider the vote by which the resolution by Mr. Metcalfe was referred to the Committee on Federal Relations.

The motion to reconsider prevailed.

Question then recurring on the motion to refer the resolution to the Committee on Federal Relations, it was lost.

Mr. Calvert offered the following amendment to the resolution:

Amend pending resolution, by striking out Paragraph Number Two (2), thereof.

Mr. Alsop offered the following substitute for the amendment by Mr. Calvert:

Amend resolution by striking out paragraphs 1, 2, and 3.

On motion of Mr. Fain, the resolution was tabled.

#### MESSAGE FROM THE SENATE

Senate Chamber,  
Austin, Texas, January 23, 1933.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted conference committee report on Senate Bill No. 1 by the following vote: Yeas, 26; nays, 2.

Respectfully,  
**BOB BARKER,**  
Secretary of the Senate.

#### RELATIVE TO THE CONSTRUCTION OF HIGHWAYS

Mr. Kyle of Palo Pinto offered the following resolution:

H. C. R. No. 10, Relative to the Construction of Highways.

Whereas, At a recent session of the Legislature, the State, through an Act of the Legislature, adopted a policy that hereafter all control over the State highways in the State of Texas should be vested in the State Highway Department, and that the counties through which the said State highways pass should no longer be compelled to contribute funds for the purpose of building said highways; and

Whereas, The jurisdiction of the State Highway Department, under the Acts of the Legislature, does not extend over said highways within the corporate limits of each municipality through which it might pass; but said jurisdiction and control of streets, roads, and avenues within the corporate limits of municipalities are by statute granted and vested in the municipal authorities of said municipalities; and

Whereas, The State Highway Department has no legal right to maintain, or require the municipalities, through which a State highway might pass, to maintain the said highway within the corporate limits of said municipality, for which reason there are often gaps in said highways within the corporate limits of towns and cities; and

Whereas, The fact that many municipalities will not maintain the State

highway through its corporate limits, which fact seriously cripples the efficiency of the State Highway Department and has compelled the Highway Department to inaugurate the policy of missing and skipping small towns and cities; now, therefore, be it

Resolved by the House of Representatives of the Forty-third Legislature, the Senate concurring, That it be declared by the Representatives of the people of the State of Texas in Legislature assembled, that it is their desire that the Highway Department shall hereafter adopt a policy of maintaining any State highway within the corporate limits of any small town or city of ten thousand inhabitants or less when said Highway Department shall have been petitioned by the municipal authorities of said city or town to maintain said road, by resolution duly passed by the authorities of said municipality and spread upon the minutes of their meetings, and provided further, that the authorities of said municipality shall give and grant to said Highway Department such control over highways within the corporate limits as the Highway Department may declare necessary and request of the municipal authorities, which authority shall likewise be entered on the minutes of said municipality. And be it further

Resolved, That the said State Highway Department shall be, and it is hereby, granted authority to use a portion of its available funds for maintaining the highways within the corporate limits of the municipality when said municipalities have complied with the requirements of this resolution.

The resolution was read second time.

On motion of Mr. Barrett, the resolution was referred to the Committee on Highways and Motor Traffic.

#### TO PROVIDE FOR A PUBLIC STENOGRAPHER

Mr. Cathey offered the following resolution:

Whereas, The many attorneys and other representatives of corporations, companies, associations, and individuals appearing before the various courts, commissions, and committees

of the State, in the Capitol, frequently need the services of a stenographer, and

Whereas, There is now no public stenographer in the Capitol, thus causing great inconvenience to these citizens who have legitimate business before the legislative committees, courts, and departments of the State, who have occasion to avail themselves of the services of a stenographer, now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the Board of Control permit the use of the space adjacent to the office of the Postal Telegraph Company, in front of the door of Joint Committee Room No. 1, which door is now permanently closed, by a public stenographer, and be it further

Resolved, That such public stenographer shall be required to furnish all necessary furniture, stationery, and equipment, excepting lights, free from any expense to the State.

CATHEY,  
McCLAIN,  
HOSKINS,  
DUNAGAN.

The resolution was read second time.

On motion of Mr. Anderson of Bexar, the resolution was referred to the Committee on Public Lands and Buildings.

#### TO PROVIDE FOR THE POSTING OF COMMITTEE MEETINGS, ETC.

Mr. Griffith offered the following resolution:

Resolved, That there be placed on the floor of the House, a billboard on which is to be posted, by the Chairman of each committee, time of committee meetings and subjects to be considered by each committee or any other matters of information for benefit of Members.

The resolution was read second time, and was lost.

#### PROVIDING FOR THE DESIGNA- TION OF THE "CHARLES GOODNIGHT TRAIL"

Mr. Stanfield offered the following resolution:

H. C. R. No. 11, Providing for the Designation of the Charles Goodnight Trail.

Whereas, The death of the venerable Charles Goodnight, occurring December 12, 1929, deprived this State and the Southwest of one of its noblest historical characters; and

Whereas, Colonel Goodnight had resided in the State from 1845 until his death at the age of 93, had fought with its Rangers during the Civil War, had blazed historic cattle trails to new markets, and had pioneered not only as the "Father of the Panhandle," but also as a frontier conservationist in preserving the buffalo and other wild life, and as a contributor to our breeding and horticultural knowledge; and

Whereas, He was a leader in establishing social order, in the cause of education, and in the development of a Texas culture; and

Whereas, No official memorial has been made to this great cowman; therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That if, and when, the proposed scenic highway is constructed from the Museum of the Panhandle-Plains Historical Society, at Canyon, through the Palo Duro Canyon to the Goodnight ranch, at Goodnight, it be designated and known as "The Charles Goodnight Trail."

The resolution was read second time, and was adopted unanimously.

#### PROVIDING FOR THE APPOINT- MENT OF A COMMITTEE TO MAKE CERTAIN INVESTIGATION

Mr. Jefferson offered the following resolution:

Whereas, There was found in the San Antonio State Hospital in San Antonio, Texas, the body of a supervisor brutally murdered; and

Whereas, There have been accusations made, resulting in the arrest of a guard and a former guard of that institution, to the effect that the murdered supervisor, H. A. Simpson by name, was slain to cover up the death of a former inmate who was beaten to death some few weeks previously; and

Whereas, The San Antonio State Hospital is an institution owned by the State of Texas and maintained by the State for the safe keeping and treating of insane and mentally deficient persons; and

Whereas, All these things enumerated are of primary importance to the people of Texas and the Legislature of Texas; therefore, be it

Resolved by the State of Texas, That the Speaker appoint a committee of three (3) Members of the House to investigate the charges that have been made and to ascertain the facts and to gather information with reference to the matters herein referred to; that said committee shall have the power to formulate its own rules of procedure and evidence and to provide for its own hours of meeting and adjourning, and the sessions of said committee shall be opened to the public except at such time as the committee, by a majority vote, may hold an executive session.

The chairman of said committee shall be elected by a majority vote by the members of said committee, and the committee shall appoint its own secretary and employes and its sergeant-at-arms.

That the committee shall have the power to issue process for witnesses to any place in this State and to compel their attendance and to produce all books and records, and upon disobedience to any subpoena, said committee shall have the power to issue attachments which may be addressed to and served by the sergeant-at-arms, appointed by said committee, or any sheriff or any constable of this State.

Said committee shall have the power to inspect and make copy of any books, records, or files of any Department, Commission or Board of this State, or any employe or appointee by said committee and of any committee or political subdivision of this State, and shall have power to examine the books of any person having dealings with said Institution, Commission or Boards under investigation, or any employe or appointee of said office.

The committee shall have the power to administer oaths and affirmations and fix the bonds of attached witnesses, and the committee shall further have all powers necessary in order to accomplish the purposes for which it is appointed.

The witnesses attending said committee under process shall be allowed the same mileage and per diem as is allowed witnesses in the trial of criminal cases in the courts.

Said committee shall have the power and authority to employ and compen-

sate all experts, investigators, stenographers, and all other necessary employes, and it shall be the duty of said committee to make and keep a record of its investigation.

That said committee shall begin and complete its investigation at the earliest practicable moment and shall submit a report in writing to the Forty-third Legislature. The compensations and expenses herein provided for incident to such investigation shall be paid out of the appropriations for mileage and per diem and the contingent expenses of the Forty-third Legislature upon sworn account of the persons entitled to such pay when approved by the chairman of said committee, and two hundred dollars (\$200) is hereby appropriated out of the mileage and per diem and Contingent Fund of said Forty-third Legislature to meet the payment of such per diem and expenses of the Members of said committee, witness fees and other expenses incident to said investigation.

Said committee may include in its report its recommendation of any legislation that should be enacted or other action that should be taken.

The resolution was read second time.

On motion of Mr. Anderson of Bexar, the resolution was referred to the Committee on Eleemosynary Institutions.

#### TO PROVIDE FOR THE POSTING OF PUBLIC HEARINGS BY COMMITTEES

Mr. Morse offered the following resolution:

Resolved, That notices of all public hearings before committees shall be posted on the House Bulletin Board by the respective committee clerks as soon after the setting of such hearings as is possible.

The resolution was read second time, and was adopted.

#### RELATIVE TO HOUSE BILL NO. 18

On motion of Mr. Anderson of Bexar, by unanimous consent, the Engraving Clerk of the House was authorized to add the emergency clause to the caption of House Bill No. 18.

## ADJOURNMENT

Mr. Burns moved that the House adjourn until 10 o'clock a. m., tomorrow.

Mr. Long moved that the House recess to 2 o'clock p. m., today.

Mr. Patterson moved that the House recess to 10 o'clock a. m., tomorrow.

The motion of Mr. Burns prevailed, and the House, accordingly, at 12:10 o'clock p. m., adjourned until 10 o'clock a. m., tomorrow.

## ELEVENTH DAY

(Tuesday, January 24, 1933)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following Members were present:

Mr. Speaker.	Fisher.
Adamson.	Ford.
Aikin.	Fuchs.
Alexander.	Glass.
Alsup.	Golson.
Anderson	Good.
of Bexar.	Goodman.
Anderson	Graves.
of Johnson.	Greathouse.
Baker.	Griffith.
Barrett.	Haag.
Barron.	Hankamer.
Beck.	Harman.
Bedford.	Harris.
Bourne.	Harrison.
Bradley.	Hartzog.
Burns.	Head.
Butler.	Hester.
Calvert.	Hicks.
Camp.	Hill of Brazoria.
Canon.	Hill of Webb.
Cathey.	Hodges.
Caven.	Holekamp.
Chastain.	Holland.
Clayton.	Holloway.
Colson.	Hoskins.
Coombes.	Huddleston.
Cowley.	Hughes.
Crossley.	James.
Daniel.	Jefferson.
Davidson.	Johnson
Dean.	of Anderson.
Devall.	Johnson
Dunlap.	of Dimmit.
Dunagan.	Jones of Atascosa.
Duvall.	Jones of Runnels.
Dwyer.	Jones of Shelby.
Engelhard.	Kayton.
Fain.	Kyle of Hays.
Few.	Kyle of Palo Pinto.

Laird.	Renfro.
Latham.	Riddle.
Lemens.	Roberts.
Leonard.	Rogers of Hunt.
Lindsey.	Rogers
Long.	of Ochiltree.
Lotief.	Rollins.
Magee.	Ross.
Mackay.	Russell.
Mathis.	Savage.
McClain.	Scarborough.
McCullough.	Scott.
McDougald.	Shannon.
McGregor.	Shults.
McKee.	Smith.
Merritt.	Stanfield.
Metcalf.	Steward.
Mitcham.	Stinson.
Moffett.	Stovall.
Moore.	Sullivant.
Morrison.	Tarwater.
Morse.	Tennyson.
Munson.	Thomas.
Nicholson.	Tillery.
Palmer.	Townsend.
Parkhouse.	Turlington.
Patterson.	Van Zandt.
Pavlica.	Vaughan.
Pope.	Wagstaff.
Puryear.	Walker.
Ramsey.	Weinert.
Ratliff.	Wells.
Ray.	Winningham.
Reader.	Wood.
Reed of Bowie.	Young.
Reed of Dallas.	

## Absent—Excused

Hunt.	Jackson.
Hyder.	West.

A quorum was announced present.  
Prayer was offered by Rev. Geo. W. Coltrin, Chaplain.

## LEAVES OF ABSENCE GRANTED

Mr. Jackson was granted leave of absence for today on account of important business, on motion of Mr. Merritt.

Mr. Hunt was granted leave of absence for today on account of illness, on motion of Mr. Good.

Mr. Hyder was granted leave of absence for today on account of illness, on motion of Mr. McCullough.

## HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows: